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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,795	08/03/2004	Gopesh Kumer	001-400	4794

37476 7590 09/02/2008

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EXAMINER	
MEJIA, ANTHONY	
ART UNIT	PAPER NUMBER
2151	

MAIL DATE	DELIVERY MODE
09/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/710,795	KUMER, GOPESH	
	Examiner	Art Unit	
	ANTHONY MEJIA	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 10-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 August 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Acknowledgement is made that Claims 9 and 20 have been cancelled, and Claims 1 and 15 have been amended, and are now pending along with Claims 2-8, 10-14, and 16-19 in the instant application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-7, 9-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie et al. (US 7,289, 623) (referred herein after as Lurie 1) and in further view of Creamer et al. (US 2004/0122941) (referred herein after as Creamer)

Regarding Claim 1, Lurie 1 teaches a method of connecting two parties in real time (col.2, lines 66-67, col.3, lines 1-4, and *see* fig.1-3), the method comprising:

having a User click on an Intemet-based icon to initiate a live conversation with a Service Provider (col.5, lines 11-23, and *see* fig.3);

generating a pop-up window with information about said Service Provider (col.4, lines 58-67, col.5, lines 1-10, and *see* fig.3);

checking to see if the Service Provider is available (col.4, lines 1-4 and *see* fig.3);

connecting said User with said Service Provider if available (col.5, lines 11-23 and *see* fig.3);

alerting said User if said Service Provider is not available (col.5, lines 46-50 and *see* fig.3).

Although, Lurie enables said user to communicate with a service provider via email (col. 5, lines 1-3), Lurie does not explicitly teach the step of prompting said user to send an email to the Service Provider if Service Provider is busy or unavailable.

However, Creamer in a similar field of endeavor discloses a method of customized interactive voice response menus including the step of prompting said user to send an email to the Service Provider if Service Provider is busy or unavailable (par [0030]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Creamer in Lurie in order to allow the users of the system to have some form of alternative communication when a service provider is not available or busy. One of ordinary skill in the art would have been motivated to combine the teachings of Lurie and Creamer to help optimize the communications between service providers and their clients.

Regarding Claim 2, the combined teachings of Lurie 1and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein the

method comprises having said pop-up window prompting said User to enter their phone number to make said connection (col.4, lines 46-54).

Regarding Claim 3, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein the method comprises generating a message for said User in said pop-up window when said Service Provider is not available (col.4, line 67, and col.5, lines 1-3, and 46-50).

Regarding Claim 4, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein the method comprises allowing said Service Provider to enter their hours of availability (col.3, lines 57-62, and col.4, lines 39-45).

Regarding Claim 5, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein the method comprises displaying said Service Provider's hours of availability within said pop-up window (col.4, lines 39-45, 61-67, and col.5, lines 1-9, lines 43-54).

Regarding Claim 6, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 5 above. Lurie 1 further teaches wherein the method comprises denying said connection if a User tries to initiate a connection

during the hours said Service Provider is scheduled to be not available (col.5, lines 43-54).

Regarding Claim 7, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein the method comprises displaying in said pop-up window that said Service Provider is currently busy on another call if said Service Provider is currently on another system call (col.4, lines 39-45, 61-67, and col.5, lines 1-9, lines 43-54).

Regarding Claim 10, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein the method includes the step of displaying a compensation rate, based on a period of time, for each Service Provider (col.4, lines 39-45).

Regarding Claim 11, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein the method further includes the step of displaying a text link in said pop-up window to a new popup window displaying Service Providers' profile and history of previous Users' feedback (col.4, lines 39-45, and lines 61-67).

Regarding Claim 12, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein

the method comprises a step wherein the set of Service Providers is provided in response to a category selection (col.4, lines 43-45).

Regarding Claim 14, the combined teachings of Lurie1 and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein the method further comprises the steps of:

setting up an account for the Service Providers (col.3, lines 57-67, and col.4, lines 1-2); and

crediting the account for an amount based upon how long the connection is maintained (col.5, lines 51-54, and lines 62-67).

Regarding Claim 15, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 14 above. Lurie 1 further teaches wherein the method comprises the steps of:

setting up an account for the Service Providers (col.3, lines 57-67, and col.4, lines 1-2); and

crediting the account for an amount based upon how long the telephonic connection is maintained minus a fee (percentage taken) (col.5, lines 51-54, lines 62-67, and col.6, line 1).

Regarding Claim 16, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 1 above. Lurie 1 further teaches wherein the method comprises:

setting up a consumer account in the system for the User, wherein setting up the consumer account includes obtaining credit card information from the consumer (col.3, lines 57-67, and col.4, lines 1-2); and

allowing User to make a deposit to their consumer account (col.3, lines 64-65, col.4, lines 9-12, and col.8, line 15).

Regarding Claim 17, the method as described in claim 1, further comprising:

monitoring how long the telephonic connection is maintained between said User and said Service Provider (col.5, lines 62-67); and

deducting from said User consumer account an amount based upon how long the telephonic connection is maintained (col.5, lines 62-67).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie 1 and in further view of Faber et al. (referred herein after as Faber)

Regarding Claim 8, Lurie 1 teaches the method as described in Claim 1 above. Lurie 1 does not explicitly disclose wherein the method further comprises the step of: displaying in said a pop-up window that said Service Provider is currently busy on another call if said Service Provider is currently on another system call.

However, Faber in a similar field of endeavor discloses a system and method for arranging a call including the step of:

displaying in said a pop-up window that said Service Provider is currently busy on another call if said Service Provider is currently on another system call (par [0053])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Faber in Lurie 1 in order to properly notify the service seeker of the system that the Service Provider's is temporarily not available. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Lurie 1 and Faber to provide a more user friendly interaction between the users of the system and service providers.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie 1 in view of Creamer and in further view of Lurie et al. (US 7,289, 612) (referred herein after as Lurie 2).

Regarding Claim 13, the combined teachings of Lurie 1 and Creamer teach the method as described in claim 1 above. The combined teachings of Lurie 1 and Creamer do not explicitly teach wherein the method further comprises the step wherein after the connection has ended, prompting said User to provide feedback on said Service Provider regarding the quality of said Service Provider's service.

However, Lurie 2 in a similar field of endeavor discloses an apparatus and method for ensuring a real-time connection between users and selected service-provider using voice mail including the step wherein after a connection has ended, prompting a User to provide feedback on a Service Provider regarding the quality of said Service Provider's service (col.8, lines 21-23, and col.10, lines 59-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lurie2 in the combined teachings of Lurie1/Creamer to enable the users of the system in being able to provide constructive feedback and ratings on their experiences with the services provided by the service providers of the system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Lurie 1/Creamer/Lurie 2 to help enhance the interaction between the users and service providers of the system.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olshansky (US 6,493,437) (referred herein after as Olshansky) in further view of Official Notice and in further view of Lurie 2.

Regarding Claim 18, Olshansky teaches a method of informing a User of their allotted connection time to a Service Provider in real time (Olshansky: col.1, lines 33-41, and col.5, lines 10-24), the method comprising:

displaying this information to said User textually in pop-up window the moment before said User connects to said Service provider (Olshansky: col.5, lines 10-24); and

displaying a graphical timer in said pop-up window, once said User connects to said Service provider, begins counting down the minutes remaining for the User to be connected to the Service provider until said User's account balance is depleted and correspondingly their connection terminated (Olshansky: col.5, lines 26-31).

Olshansky does not explicitly disclose dividing the User account balance total by the Service provider per minute compensation rate and determining total minutes said User can connect to said Service Provider until said User's account balance reaches zero.

However, Official Notice (see MPEP 2144.03) is taken, that it is well known in the art at the time the invention was made that in dividing a User account balance total by a Service provider per minute compensation rate and determining total minutes said User can connect to said Service Provider until said User's account balance reaches zero, Olshansky would have been motivated to do so for purposes of properly monitoring the allotted time duration of a phone call (col.6, lines 64-67) and for properly calculating the charges of the phone call (col.5, lines 26-31).

The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position".

However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231,234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c) (3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

In further, Olshansky/Official Notice does not explicitly teach wherein the method comprises the steps of:

extracting User real-time account balance information from System Database and extracting Service Provider per minute compensation rate from System Database.

However Lurie 2, in a similar field of endeavor discloses an apparatus and method for ensuring a real-time connection between users and selected service provider using voice mail including the steps of:

extracting User real-time account balance information from System Database (Lurie 2: col.10, lines 20-33); and

extracting Service Provider per minute compensation rate from System Database (Lurie 2: col.10, lines 54-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lurie 2 in Olshansky/Official Notice in order to properly track the usage of services that individual users are receiving from individual Service Providers of the system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Olshansky/Official Notice/Lurie 2 to help optimize the interaction between the users and Service Providers of the system.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olshansky in view of Official Notice and Lurie 2 and yet in further view of Ling (US 5,577,100) (referred herein after as Ling).

Regarding Claim 19, the combined teachings of Olshansky and Lurie teach the method as described in claim 18 above. The combined teachings of Olshansky/Official Notice/Lurie do not teach wherein the method comprises a hypertext link in said pop-up window directing Users to make a deposit to their account.

However, Ling in a similar field of endeavor discloses a system and method for conducting electronic commerce transactions requiring micro payments including the step wherein a hypertext link in said pop-up window directing Users to make a deposit (e.g., add funds) to their account (par [0166], 275, fig.11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ling in Olshansky/Official Notice/Lurie 2, to be able to allow the users to have an easily accessible way of being able to add additional funds to their accounts. One of the ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Ling and Olshansky/Official Notice/Lurie 2 to help satisfy the demand and needs for people that require services such as expert advice from Service Providers that are available on the system.

Response to Amendments

8. Amendment to Claims 15 in response to examiner's objection has been considered. The amendment obviates previously raised objection, as such this objection hereby withdrawn.

Response to Arguments

9. Applicant's arguments, see pages 7-11, filed 19 May 2008, with respect to the rejection(s) of claim(s) 1, 4-6, 9-14, and 17 under 102 (e) and Claims 2-3, 7-8, 15-16, and 18-20 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lurie 1 with references to: Creamer, Lurie 2, Faber, Official Notice, Olshansky, and Ling.

Conclusion

Examiner has cited particular paragraphs, columns, and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY MEJIA whose telephone number is (571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mejia, Anthony
Patent Examiner

/Salad Abdullahi/

Primary Examiner, Art Unit 2157